

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed December 17, 2003 and to telephonic interviews between the undersigned attorney and the Examiner on February 12, 2004.

In the Office action, claims 95-107 were withdrawn. During a telephone interview, the Examiner indicated that these claims would remain in this case. Claims 30-94 were previously withdrawn, as directed to non-elected inventions. Applicant herein cancels claims 30-94, and reserves the right to prosecute those claims in continuation applications. Thus, claims 1-29 and 95-107 are in this application.

I. Rejections Over Jacob or Bonte

Applicants have amended claims 1 and 107 as discussed during a telephone interview. In particular, the phrase "monoatomic multivalent cation" has been replaced by the phrase "water soluble multivalent cation." Applicants submit that the amendment to claims 1 and 107 merely makes explicit that which was inherent in the previously amended claim, namely that a "monoatomic multivalent cation" is a "water soluble multivalent cation," and that therefore, Applicants submit that the amendment is not a narrowing amendment.

During the telephone interview, the Examiner indicated that the above amendments to claims 1 and 107 would remove Jacob as an anticipatory reference. Thus, the rejections under 35 U.S.C. § 102(b) and 103 (Jacob in view of Tapolsky) would be overcome.

The Examiner also agreed to reconsider the rejection under 35 U.S.C. § 102(b) over Bonte in light of comments presented in the Response of record filed April 22, 2003 at pages 7-8. In that Response, Applicants pointed out that Example 7 of Bonte included "methacrylate," which was interpreted to be included within the scope of the term "polyalkylene oxide" of the instant claims. Upon discussion of the differences between ester linkages of methacrylate and ether linkages in polyalkylene oxides, the Examiner agreed to reconsider the rejection.

II. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application are allowable over the art of record, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: February 12, 2004

By: D. Benjamin Borson

D. Benjamin Borson, Ph.D.

Reg. No. 42,349

FLUESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

- 9 -

Attorney Docket No.: FZIO 1000 US4 SRM/DBB
dbb/FZIO/1000 US4.039.wpd

200.001:100101